

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

RICCARDO TOLLIVER,

Petitioner,

v.

CIVIL ACTION NO. 5:13-cv-21929

JOEL ZIEGLER,

Respondent.

MEMORANDUM OPINION AND ORDER

On August 16, 2013, the Petitioner filed his Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (Document 1). By Standing Order (Document 4), the matter was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

On May 8, 2015, the Magistrate Judge submitted a *Proposed Findings and Recommendations* (Document 11) wherein it is recommended that this Court deny the Petitioner's Petition for a Writ of Habeas Corpus, dismiss the action with prejudice, and remove the matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendations* were due by May 26, 2015.


Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendations*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or

recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendations*, and **ORDERS** that the Petitioner's Petition for a Writ of Habeas Corpus (Document 1) be **DENIED**, that this action be **DISMISSED with prejudice**, and that the matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Eifert, counsel of record, and any unrepresented party.

ENTER: June 2, 2015


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA